

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

In Re: **Grand Jury Subpoena No. 2272**
(USAO No. 2023R00365)

Case No. 1:23-mj- **296**

Filed Under Seal

**APPLICATION FOR ORDER COMMANDING PROVIDER NOT TO NOTIFY ANY
PERSON OF THE EXISTENCE OF SUBPOENA**

The United States requests that the Court order Meta Platforms, Inc., along with its parent, subsidiary, or affiliate companies (“Meta”), not to notify any person (including the subscribers and customers of the account(s) listed in the subpoena) of the existence of the attached subpoena, **numbered 2272, for a period of 180 days, up to and including April 2, 2024.**

Meta is a provider of an electronic communication service, as defined in 18 U.S.C. § 2510(15), and/or a remote computing service, as defined in 18 U.S.C. § 2711(2). Pursuant to 18 U.S.C. § 2703, the United States obtained the attached subpoena, **numbered 2272**, which requires Meta to disclose certain records and information to the United States. This Court has authority under 18 U.S.C. § 2705(b) to issue “an order commanding a provider of electronic communications service or remote computing service to whom a warrant, subpoena, or court order is directed, for such period as the court deems appropriate, not to notify any other person of the existence of the warrant, subpoena, or court order.” *Id.*

In this case, such an order would be appropriate because the attached subpoena relates to an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation, and its disclosure may alert the targets to the ongoing investigation. Accordingly, there is reason to believe that notification of the existence of the attached subpoena will seriously jeopardize the investigation or unduly delay a trial, including by giving targets an opportunity to

flee or continue flight from prosecution, destroy or tamper with evidence, change patterns of behavior, intimidate potential witnesses, or endanger the life or physical safety of an individual. *See* 18 U.S.C. § 2705(b). Some of the evidence in this investigation is stored electronically. If alerted to the existence of the subpoena, the subjects under investigation could destroy that evidence, including information saved to their personal computers.

Accordingly, the United States respectfully requests that the Court grant the attached Order directing Meta not to disclose the existence or content of the attached subpoena for a period of 180 days, except that Meta may disclose the attached subpoena to an attorney for Meta for the purpose of receiving legal advice.

The United States further requests that the Court order that this application and any resulting order be sealed for **a period of 180 days, up to and including April 2, 2024**. As explained above, these documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Respectfully submitted this 5th day of October, 2023.

FRANCIS M. HAMILTON III
United States Attorney

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Case No. 1:23-mj- **296**

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ORDER

The United States has submitted an application pursuant to 18 U.S.C. § 2705(b), requesting that the Court issue an Order commanding Meta Platforms, Inc. and its parent, subsidiary, or affiliate companies (“Meta”), an electronic communication service provider and/or a remote computing service, not to notify any person (including the subscribers and customers of the account(s) listed in the subpoena) of the existence of the attached subpoena, **numbered 2272**, for a period of 180 days, up to and including April 2, 2024.

The Court determines that there is reason to believe that notification of the existence of the attached subpoena will seriously jeopardize the investigation or unduly delay a trial, including by giving targets an opportunity to flee or continue flight from prosecution, destroy or tamper with evidence, change patterns of behavior, intimidate potential witnesses, or endanger the life or physical safety of an individual. *See* 18 U.S.C. § 2705(b).

IT IS THEREFORE ORDERED under 18 U.S.C. § 2705(b) that Meta shall not disclose the existence of the attached subpoena, **numbered 2272**, or this Order of the Court, to the listed subscriber or to any other person, for a period of 180 days, except that Meta may disclose the attached subpoena to an attorney for Meta for the purpose of receiving legal advice.

IT IS FURTHER ORDERED that the application and this Order shall be filed under seal and remain sealed for a period of 180 days, up to and including April 2, 2024.

Oct 9, 2023
Date


Hon. Christopher H. Steger
United States Magistrate Judge

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

Meta Platforms, Inc
Attn: Custodian of Records
To: 1601 Willow Road
Menlo Park, CA 94025
<https://www.facebook.com/records>

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave. b6

Place: Joel W. Solomon Federal Building, United States Courthouse 900 Georgia Avenue Chattanooga, TN 37402	Date and Time: November 28, 2023 @ 09:00 a.m.
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You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

Please see attached.

It is requested that in lieu of appearance, records may be sent to FBI SA Sean Reid by email to: SDReid@fbi.gov by November 14, 2023. If you choose to deliver the records to Agent Reid, your personal appearance before the Grand Jury will not be necessary and a proper return of the subpoena to the Grand Jury noting your compliance will be made. If further information is needed to comply with this subpoena, please contact Agent Reid at 423-755-5599.

You are requested not to disclose the existence of this subpoena or the fact of your compliance. Any such disclosure on your part could impede the investigation being conducted and thereby interfere with the enforcement of the law. If you nonetheless intend to disclose the existence of this subpoena, please first contact the undersigned Assistant United States Attorney so that the government may seek appropriate recourse.

Date: 10/05/2023



CLERK OF COURT

A handwritten signature in black ink, appearing to be "L. [unclear]".
Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the United States attorney, or assistant United States attorney, who requests this subpoena, are:

Kyle J. Wilson, AUSA
1110 Market Street, Suite 515
Chattanooga, TN 37402
423-752-5140
Kyle.Wilson@usdoj.gov

A large, stylized handwritten signature in black ink, appearing to be "KJW".

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